

Remarks

Claims 1, 6, 16, and 19 have been amended. Claim 10 has been canceled. Claims 1-34 are currently pending in the case.

I. Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Claims 1, 3, 5, 8, 9, 11, 13, 16, 17, 21-25, and 27 have been rejected under 35 U.S.C. 102 based on Landis. Claims 6, 7, 10, 19, 20, and 30 have been rejected under 35 U.S.C. 102 based on Cardoso. Claims 2, 4, 12, 14, 15, 18, 26, 28, and 29 have been rejected under 35 U.S.C. 103(a) based on Landis. Claims 31 and 32 have been rejected under 35 U.S.C. 103 based on Cardoso.

The applicant does not agree with the rejections. However, the applicant has amended various claims in order to more clearly define the present invention in one or more embodiments. The amendments are made without prejudice to filing a continuation or other application for previous claims.

Claim 1 has been amended and now specifies:

1. An apparatus comprising
 - a nose piece comprising
 - a body portion;
 - a first hollow tube protruding out from the body portion; and
 - a second hollow tube protruding out from the body portion;
 - a first device for attaching the first and second hollow tubes to an individual's head;
 - wherein a first end of the first hollow tube can be inserted into a first nostril of an individual;
 - wherein a first end of the second hollow tube can be inserted into a second nostril of the individual;
 - wherein air can flow through the first hollow tube into the first nostril and through the second hollow tube into the second nostril;
 - wherein the body portion is flexible;
 - wherein the body portion has a primary path and wherein all gas flowing through

the body portion to either of the first or second hollow tubes flows through the primary path;

wherein the body portion is comprised of a material which is flexible and which immediately surrounds the primary path; and

wherein the first and second hollow tubes branch out from the primary path to form first and second secondary paths, respectively.

In one embodiment of the present invention a body portion, such as device 30 or portion 34 of device 30, is provided. (Present application, pg. 7, first paragraph – second paragraph, Fig. 1A). The device 30 has a primary path, such as a cavity. (Id.) All gas flowing through the body portion or device 30 to either the first or second hollow tubes 16 and 26, respectively, flows through the primary path, or cavity. (Id.) The body portion or device 30 is made of a material which is flexible and which immediately surrounds the primary path. (Id.) The first and second hollow tubes 16 and 26 branch out from the primary path or cavity to form first and second secondary paths, respectively.

In Fig. 5 of Landis, gas flows from a primary path in element 46 to first and second secondary paths for elements 120 and 122. However, the material immediately surrounding the primary path in element 46 is not disclosed as being flexible. In Cardoso, gas flows from a tube 18 in Fig. 2 or a tube cylinder 22 in Fig. 4 to first and second secondary paths in nasal stubs 12 and 14 (Fig. 2) and 24 and 26 (Fig. 4), respectively. However, the tube 18 and cylinder 22 are not disclosed as being flexible.

In addition, as previously asserted element 120 of Landis is comprised of a single bellows section which for purposes of identification can be called 48a. (Landis, Fig. 5, col. 7, lns. 33-54) Element 122 is comprised of a single bellows section, which for purposes of identification can be called 48b. Element 120 does not protrude out from 48b and element 122 does not protrude out from 48a. Elements 120 and 122 do protrude out from section 46, however, section 46 is not disclosed as being flexible.

Claim 1 is submitted to be allowable for at least the foregoing reasons. Claims 2-5, 8, 9, 11-15 are dependent on claim 1 and are submitted to be allowable for at least the same reasons.

Claim 6 has been amended and now specifies:

6. An apparatus comprising
a nose piece comprising
a body portion;
a first hollow tube protruding out from the body portion; and
a second hollow tube protruding out from the body portion;
a first device for attaching the first and second hollow tubes to an individual's head;
wherein a first end of the first hollow tube can be inserted into a first nostril of an individual;
wherein a first end of the second hollow tube can be inserted into a second nostril of the individual;
wherein air can flow through the first hollow tube into the first nostril and through the second hollow tube into the second nostril;
wherein the nose piece is further comprised of a flap portion; and
wherein the nose piece is configured so that the nose piece can be attached to the individual's head so that the flap portion does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time the first end of the first hollow tube is inserted into the first nostril and the first end of the second hollow tube is inserted into the second nostril.

In one embodiment of the present application, a nose piece 10 is provided comprised of a flap portion 36. (Present application, Fig. 1A, pg. 9, paragraph 2). The nose piece 10 is configured so that the nose piece 10 can be attached to an individual's head so that the flap portion 36 does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time a first end of a first hollow tube 16 is inserted into a first nostril of the individual and a first end of the second hollow tube 26 is inserted into the second nostril of the individual. (Present application, Fig. 5, pg. 9, paragraphs 2-3).

Cardoso discloses various components, such as fingers 32, tube 18, tube 22, etc. which are pressed firmly against a nose of an individual while nasal stubs such as 12, 14, 26, and 24 are inside the individual's nostrils. (Cardoso, Figs. 1-4; col. 2, Ins. 54-67). Cardoso does not disclose providing a flap portion that does not touch a nose of an individual but touches skin between the

nose and an upper lip of the individual, while at the same time a first end of a first hollow tube is inserted into a first nostril of the individual and a first end of the second hollow tube is inserted into the second nostril of the individual.

Claim 6 is submitted to be allowable for at least the above reasons. Claims 7, 30-32 are dependent on claim 6 and are submitted to be allowable for at least the same reasons.

Claim 16 has been amended and specifies:

16. A method comprising the steps of
attaching first and second hollow tubes to an individual's head;
inserting a first end of the first hollow tube into a first nostril of an individual;
and inserting a first end of the second hollow tube into a second nostril of the individual;
and wherein the first and second hollow tubes protrude out from a body portion of a nose piece and wherein the first and second hollow tubes are attached to the individual's head through the nose piece, which is attached at or near the upper lip of the individual; and
wherein the body portion of the nose piece is flexible;
wherein the body portion has a primary path and wherein all gas flowing through the body portion to either of the first or second hollow tubes flows through the primary path;
wherein the body portion is comprised of a material which is flexible and which immediately surrounds the primary path; and
wherein the first and second hollow tubes branch out from the primary path to form first and second secondary paths, respectively.

As previously stated, in Fig. 5 of Landis, gas flows from a primary path in element 46 to first and second secondary paths for elements 120 and 122. However, the material immediately surrounding the primary path in element 46 is not disclosed as being flexible. In Cardoso, gas flows from a tube 18 in Fig. 2 or a tube cylinder 22 in Fig. 4 to first and second secondary paths in nasal stubs 12 and 14 (Fig. 2) and 24 and 26 (Fig. 4), respectively. However, the tube 18 and cylinder 22 are not disclosed as being flexible.

In addition, as previously asserted element 120 of Landis is comprised of a single bellows section which for purposes of identification can be called 48a. (Landis, Fig. 5, col. 7, lns. 33-54) Element 122 is comprised of a single bellows section, which for purposes of identification can be

called 48b. Element 120 does not protrude out from 48b and element 122 does not protrude out from 48a. Elements 120 and 122 do protrude out from section 46, however, section 46 is not disclosed as being flexible.

Claim 16 is submitted to be allowable for at least the foregoing reasons. Claims 17-18, and 21-29 are dependent on claim 16, directly or indirectly, and are submitted to be allowable for at least the same reasons.

Claim 19 has been amended and now specifies:

19. A method comprising the steps of
attaching first and second hollow tubes to an individual's head;
inserting a first end of the first hollow tube into a first nostril of an individual;
and inserting a first end of the second hollow tube into a second nostril of the individual;
and wherein the first and second hollow tubes protrude out from a body portion of a nose piece and wherein the first and second hollow tubes are attached to the individual's head through the nose piece, which is attached at or near the upper lip of the individual; and
wherein the nose piece includes a flap portion; and
wherein the nose piece is configured so that the nose piece can be attached to the individual's head so that the flap portion does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time the first end of the first hollow tube is inserted into the first nostril and the first end of the second hollow tube is inserted into the second nostril.

As previously discussed, Cardoso does not disclose providing a flap portion that does not touch a nose of an individual but touches skin between the nose and an upper lip of the individual, while at the same time a first end of a first hollow tube is inserted into a first nostril of the individual and a first end of a second hollow tube is inserted into the second nostril of the individual.

Claim 19 is submitted to be allowable for at least the above reasons. Claim 20 is dependent on claim 19 and is submitted to be allowable for at least the same reasons.

II. Allowed Claims 33-34

Claims 33 and 34 have been allowed.

III. Conclusion

Claims 1-9 and 11-34 are respectfully submitted to be in a condition for allowance.

Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,



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